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May 25, 2011

VIA FACSIMILE (202) 245-0461
AND U.S. MAIL

Ms. Victoria Ruston
Chief, Office of Environmental Analysis
Surface Transportation Board
395 E Street
Washington, DC 20423-001

Re: STB Docket No. AB-6 (Sub-No. 477x), BNSF Railway Co.

Dear Ms. Ruston:

This firm and the undersigned represent Excalibur Property Holdings LLC and George Brokate, property owners in the City of Monrovia, California, who will be significantly and adversely affected by the project of which the expected BNSF Petition for Abandonment is a part. We are submitting these comments in response to the Environmental Report filed by BNSF on May 12, 2011. We have previously submitted a request to be placed on the service list for this docket. We reserve the right to submit further comment on the Petition for Abandonment, once filed.

Section 1 of the Environmental Report indicates that "[t]he removal of the track and track materials associated with the abandonment of BNSF's Rail Freight Service Easement and the extension of light rail service have already been addressed by the Metro Gold Line Foothill Extension Construction Authority in an Environmental Impact Report and Supplemental Environmental Impact Report ("SEIR")." The latter document, the actual Supplemental Environmental Impact Report itself, is part of the environmental documentation claimed for the abandonment. That document, however, is currently being challenged in California state court, *Excalibur Property Holdings LLC v. Pasadena Metro Blue Line Construction Authority*, Los Angeles County Superior Court Case No. BS130732, filed February 17, 2011. A copy of the conformed Petition for Writ of Mandate in that matter is attached hereto as **Exhibit 1**.

Invalidation of the SEIR, as sought by the litigation, would invalidate a large portion of the environmental review on which the BNSF Petition for Abandonment is based, thereby also rendering any decision by the STB invalid. Accordingly, no action

Ms. Victoria Ruston
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Page 2

should be taken on any BNSF or other request for abandonment until complete resolution of the litigation.

Section 3 of the Environmental Report also claims that "the proposed action is consistent with existing land use plans. See SEIR." However, in related administrative proceedings we have objected to the legality of the project -- of which the proposed abandonment is a part -- based on inconsistency with the City of Monrovia General Plan.

The project of which the proposed abandonment is a part includes a heavy industrial maintenance and operations facility in an area of Monrovia classified in the Monrovia General Plan as PD-12: Station Square Transit Village. (Exhibit 2 [excerpts from Monrovia General Plan Land Use Element].) Under the Monrovia Municipal Code, properties in PD zones are subject to the provisions of the Land Use Element of the City's General Plan. Monrovia Municipal Code § 17.08.010. The Land Use Element, however, does not permit new heavy industrial uses in the PD-12 zone.

The project also requires a specific plan for that portion in PD-12, an additional legislative action on the part of the City of Monrovia that has not yet occurred.

We note that Monrovia does not appear to have been noticed with respect to this filing, even though the track in question passes through the City. Other jurisdictions were noticed. (See Section 3, p. 3.) Again, prudence dictates that no action be taken on any request for abandonment until the issue of land use plan consistency is resolved.

Thank you for your attention to this matter. Please contact us with any questions or comments.

Very truly yours,


ROBERT P. SILVERSTEIN

FOR
THE SILVERSTEIN LAW FIRM

RPS:aa
attachments

cc: David T. Rankin, Senior General Counsel, BNSF (with attachments)

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Attorneys for Petitioners
EXCALIBUR PROPERTY HOLDINGS, LLC
and GEORGE BROKATE

**CONFORMED COPY
OF ORIGINAL FILED
Los Angeles Superior Court**

FEB 18 2011

John A. Clarke, Executive Officer/Clerk

By B.M. SWAIN Bsp

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES.**

EXCALIBUR PROPERTY HOLDINGS,
LLC, a California Limited Liability
Company, and GEORGE BROKATE, an
individual,

Petitioners,

vs.

PASADENA METRO BLUE LINE
CONSTRUCTION AUTHORITY, also
doing business as METRO GOLD LINE
FOOTHILL EXTENSION
CONSTRUCTION AUTHORITY, a public
entity, and DOES 1 through 20, inclusive,

Respondents.

LOS ANGELES COUNTY
METROPOLITAN TRANSPORTATION
AUTHORITY, a public entity, and DOES 1-
20, inclusive,

Real Parties in Interest.

Case No. BS 130732

**FIRST AMENDED PETITION FOR
WRIT OF MANDATE**

[California Environmental Quality Act,
("CEQA"), Public Resources Code
Section 21000, et seq.]

Petitioners Excalibur Property Holdings, LLC, and George Brokate (hereinafter "Petitioners"), allege as follows:

INTRODUCTION

1. This action challenges decisions by respondent Pasadena Metro Blue Line Construction Authority, sometimes known as the Metro Gold Line Foothill Extension Construction Authority (hereinafter "Respondent"), in connection with the Gold Line Phase II, Pasadena to Montclair – Foothill Extension 2A project ("Phase 2A Project").

2. The Phase 2A Project includes approximately 11.5 miles of light rail track and associated infrastructure through six cities in the San Gabriel Valley portion of Los Angeles County, and includes the proposed construction of a maintenance and operations facility ("M&O Facility") in the City of Monrovia.

3. The Phase 2A Project is sometimes referred to as the Gold Line Phase II, Pasadena to Azusa – Foothill Extension project in order to distinguish it from the Gold Line Phase II, Azusa to Montclair – Foothill Extension project, which itself is sometimes referred to as the Gold Line Phase II, Pasadena to Montclair – Foothill Extension Phase 2B project. ("Phase 2B Project").

4. Petitioners are informed and believe, and based thereon allege, that Respondent intends to improperly and without sufficient legal basis use the power of eminent domain to attempt to take Petitioners' property for construction of the M&O Facility. This petition is filed as both a direct challenge to the adequacy of Respondent's required pre-condemnation California Environmental Quality Act ("CEQA") approvals, and also as an affirmative defense to any eminent domain action that may be filed.

5. Petitioners challenge Respondent's actions in certifying a Supplemental Environmental Impact Report ("SEIR") and related approvals for the Phase 2A Project, including but not limited to the adoption of findings of fact and a Statement of Overriding Considerations.

6. Petitioners allege that Respondent's actions violate provisions of CEQA. Petitioners seek a writ of mandate, *inter alia*, invalidating and setting aside Respondent's

1 certification of the Phase 2A Project SEIR and related approvals and compelling
2 Respondent to comply with CEQA and to prepare, certify and approve a legally adequate
3 SEIR prior to consideration of any further resolutions, legislative actions or approvals
4 concerning the Phase 2A Project.

5 **PARTIES**

6 7. Petitioner Excalibur Property Holdings, LLC, is a California limited liability
7 company that has ownership interests in real property in the City of Monrovia that will be
8 adversely affected by the Phase 2A Project.

9 8. Petitioner George Brokate is an individual who has ownership interests in
10 real property in the City of Monrovia that will be adversely affected by the Phase 2A
11 Project.

12 9. Petitioners are suing on their behalf, and on behalf of all others who will be
13 affected by the Phase 2A Project, as well as all citizens of Los Angeles County.

14 10. Petitioners are informed and believe, and based thereon allege, that
15 Respondent Pasadena Metro Blue Line Construction Authority is a public entity created
16 by statute for the purpose of, *inter alia*, awarding and overseeing design and construction
17 contracts for completion of the Gold Line Phase II, Pasadena to Montclair – Foothill
18 Extension, Phase 2A and Phase 2B.

19 11. Petitioners are informed and believe, and based thereon allege, that
20 Respondent is also known as the Metro Gold Line Foothill Extension Construction
21 Authority and is governed by a board consisting of five voting members and one
22 nonvoting member, as follows: three members appointed by the city councils of the Cities
23 of Los Angeles, Pasadena, and South Pasadena, with each city council appointing one
24 member by a majority vote of the membership of that city council; one member appointed
25 by the President of the governing board of the San Gabriel Valley Council of
26 Governments, subject to confirmation by that board; one member appointed by the Los
27 Angeles County Metropolitan Transportation Authority; and one nonvoting member
28 appointed by the Governor of the State of California.

12. Petitioners are informed and believe, and based thereon allege, that the Los Angeles County Metropolitan Transportation Authority ("Metro"), named as a real party in interest, is and at all times herein mentioned was, a public entity duly organized and existing under the laws of the State of California.

13. Petitioners are ignorant of the true names of respondents sued herein as DOES 1 through 20, inclusive, and therefore sue said respondents by those fictitious names. Petitioners will amend this petition to allege their true names and capacities when the same have been ascertained. Petitioners are informed and believe, and based thereon allege, that each of these fictitiously named respondents is in some manner responsible for the wrongful conduct alleged in this petition. Petitioners are informed and believe, and based thereon allege, that these fictitiously named respondents were, at all times mentioned in this petition, the agents, servants, and employees of their co-respondents and were acting within their authority as such with the consent and permission of their co-respondents.

14. Petitioners are ignorant of the true names of real parties sued herein as ROES 1 through 20, inclusive, and therefore sue said real parties by those fictitious names. Petitioners will amend their petition to allege their true names and capacities when the same have been ascertained. Petitioners are informed and believe, and based thereon allege, that each of these fictitiously named real parties is in some manner responsible for the wrongful conduct alleged in this petition. Petitioners are informed and believe, and based thereon allege, that these fictitiously named real parties were, at all times mentioned in this petition, the agents, servants, and employees of their co-real parties and were acting within their authority as such with the consent and permission of their co-real parties.

GENERAL ALLEGATIONS

15. A Draft EIR and Draft Environmental Impact Statement ("EIS") were issued for the Gold Line Phase II, Pasadena to Montclair – Foothill Extension in April 2004 ("2004 DEIR/DEIS"). Respondent was the lead agency for purposes of CEQA, and the

1 Federal Transit Administration ("FTA") was the lead agency for purposes of the National
2 Environmental Policy Act ("NEPA").

3 16. Petitioners are informed and believe, and based thereon allege, that
4 subsequent to circulation of the 2004 DEIR/DEIS, Respondent decided to fund Phase 2A
5 of the Gold Line Phase II, Pasadena to Montclair – Foothill Extension without federal
6 funds, with the intention of allowing environmental impact documentation for the Gold
7 Line Phase II, Pasadena to Montclair – Foothill Extension to proceed solely as an EIR
8 pursuant to CEQA.

9 17. The Gold Line Phase II, Pasadena to Montclair – Foothill Extension Final
10 EIR was certified by Respondent's governing board in 2007 ("2007 FEIR").

11 18. Petitioners are informed and believe, and based thereon allege, that the FTA
12 subsequently withdrew the Draft EIS for the Gold Line Phase II, Pasadena to Montclair –
13 Foothill Extension on or about June 25, 2010.

14 19. On or about May 17, 2010, Respondent issued a Notice of Preparation of a
15 SEIR for the Phase 2A Project, the Pasadena to Azusa portion of the Gold Line Phase II,
16 Pasadena to Montclair – Foothill Extension.

17 20. Subsequently, in approximately November 2010, Respondent caused a Draft
18 SEIR for the Phase 2A Project to be prepared and circulated.

19 21. On or about January 18, 2011, Respondent's governing board approved
20 and/or certified the Final SEIR for the Phase 2A Project.

21 22. A Notice of Determination to carry out the Phase 2A Project was recorded
22 with the office of the Los Angeles County Clerk by Respondent on or about January 19,
23 2011.

24 23. The Phase 2A Project as described in the SEIR contains several changes
25 from that which was approved and/or certified in the 2007 FEIR, including relocation of
26 the M&O Facility from Irwindale to Monrovia, relocation of parking structures at the
27 Monrovia and Irwindale light-rail stations, and replacement of two bridges.
28

1 24. Petitioners are informed and believe, and based thereon allege, that Metro is
2 not the recipient of an approval that is the subject of the action or proceeding as described
3 in this matter; however, Petitioners are informed and believe, and based thereon allege,
4 that upon completion of the Phase 2A Project by Respondent, the Phase 2A Project may
5 be turned over by Respondent to Metro, and as a result, Metro could possibly be
6 considered a real party in interest, and for that reason and in an abundance of caution,
7 Petitioners have named Metro as such.

8 25. Prior to Respondent's approval and/or certification of the SEIR for the
9 Phase 2A Project, on or about December 27, 2010, the FTA issued a Notice of Intent to
10 prepare an EIS for the Phase 2B Project, the Azusa to Montclair portion of the Gold Line
11 Phase II, Pasadena to Montclair – Foothill Extension. The Notice of Intent indicates that
12 Respondent will be preparing a joint EIR/EIS with FTA in order to comply with both
13 CEQA and NEPA.

14 26. Petitioners are informed and believe, and based thereon allege, that prior to
15 the filing of this Petition for Writ of Mandate, Respondent issued a Notice of Preparation
16 for either an EIR or a Supplemental EIR and began scoping meetings in anticipation of
17 preparation of the environmental documentation for the Phase 2B Project.

18 27. Petitioners made extensive oral and written comments in opposition to the
19 Phase 2A Project and SEIR. Petitioners have exhausted all administrative remedies.

20 28. Petitioners have performed all conditions imposed by law precedent to filing
21 this action, including complying with the requirement of Public Resources Code Section
22 21167.5 by sending notice to Respondent that this action would be filed.

23 29. Petitioners will also serve a copy of this Petition on the California Attorney
24 General as required by law.

25 30. Petitioners have no plain, speedy or adequate remedy available to it in the
26 ordinary course of law to redress the claims alleged in this petition. Petitioners and the
27 public generally will suffer irreparable harm if Respondent is not required to comply with
28

CEQA and to vacate and set aside the above-described approvals and SEIR related to the Phase 2A Project.

FIRST CAUSE OF ACTION

(Violation of CEQA And CEQA Guidelines –

Project Description and Segmentation)

31. Petitioners reallege and incorporate herein by reference the allegations of Paragraphs 1 through 30, inclusive, of this petition.

32. Respondent's action in certifying the SEIR for the Phase 2A Project constitutes a prejudicial abuse of discretion in that Respondent failed to proceed in the manner required by law and failed to support its decision by substantial evidence, including but not limited to as follows:

a. Respondent has improperly piecemealed the Phase 2A Project from the Phase 2B Project and the overall Gold Line Phase II, Pasadena to Montclair – Foothill Extension.

b. Petitioners are informed and believe, and based thereon allege, that the Phase 2A Project and Phase 2B project, both segments of the Gold Line Phase II, Pasadena to Montclair – Foothill Extension, are interrelated actions because they are related as to time, infrastructure and the entity undertaking the action.

c. Petitioners are informed and believe, and based thereon allege, that the Phase 2A Project benefits from and is directly tied to and interrelated with the Phase 2B Project, and vice versa.

d. Petitioners are informed and believe, and based thereon allege, that the Phase 2A Project and the Phase 2B Project are part of a single coordinated endeavor, the Gold Line Phase II, Pasadena to Montclair – Foothill Extension.

e. Respondent relied on an improper project description because the Phase 2A Project is piecemealed from the Phase 2B Project and the overall Gold Line Phase II, Pasadena to Montclair – Foothill Extension. The project description in the Phase

1 2A Project SEIR is erroneous and misleading, and Respondent's approval of the Phase 2A
2 Project SEIR with this defect was a further abuse of discretion.

3 f. Petitioners are informed and believe, and based thereon allege, that
4 the Phase 2A Project will likely change the scope and nature of the Phase 2B Project, or
5 vice versa. Respondent's separate evaluation of these impacts frustrates the purpose of
6 CEQA, i.e., informed public participation and informed decisionmaking.

7 g. Petitioners are informed and believe, and based thereon allege, that
8 because Respondent has piecemealed the Phase 2A Project from the Phase 2B Project and
9 the overall Gold Line Phase II, Pasadena to Montclair – Foothill Extension, Respondent
10 has avoided, *inter alia*, complete study of environmental impacts, a reasonable range of
11 alternatives, and proper consideration of mitigation measures.

12 33. As a result of Respondent's violations of CEQA, Petitioners have been
13 harmed in that Petitioners and other members of the public were not fully informed about
14 the significant environmental impacts of the Phase 2A Project and the overall Gold Line
15 Phase II, Pasadena to Montclair – Foothill Extension prior to approval and/or certification
16 of the Phase 2A Project SEIR.

17 34. Petitioners as well as members of the general public will suffer irreparable
18 harm if the relief requested herein is not granted and the Phase 2A Project design/build
19 contracts are awarded and/or construction is commenced in the absence of a full and
20 adequate SEIR, and absent compliance with all other applicable provisions of CEQA.

21 **SECOND CAUSE OF ACTION**

22 **(Violation of CEQA And CEQA Guidelines –**
23 **Improper/Inaccurate Alternatives Analysis)**

24 35. Petitioners reallege and incorporate herein by reference the allegations of
25 Paragraphs 1 through 34, inclusive, of this petition.

26 36. Respondent's action in certifying the SEIR for the Phase 2A Project
27 constitutes a prejudicial abuse of discretion in that Respondent failed to proceed in the
28

1 manner required by law and failed to support its decision by substantial evidence,
2 including but not limited to as follows:

3 a. The Phase 2A Project SEIR fails to consider a reasonable range of
4 off-site alternatives, including alternatives identified as feasible in other public records in
5 possession of Respondent, and fails to adopt an alternative that could have avoided or
6 substantially lessened the Phase 2A Project's significant environmental impacts, including
7 those related to the proposed taking and destruction of numerous private properties and
8 businesses.

9 b. The Phase 2A Project SEIR fails properly to analyze impacts of the
10 one off-site alternative it does ostensibly consider, including but not limited to impacts to
11 land use/planning, traffic, noise, hazardous materials, and hydrology.

12 c. The Phase 2A Project SEIR fails to consider a reasonable range of
13 on-site alternative configurations, and fails to adopt an alternative that could have avoided
14 or substantially lessened the Phase 2A Project's significant environmental impacts,
15 including those related to the proposed taking and destruction of numerous private
16 properties and businesses.

17 37. As a result of Respondent's violations of CEQA, Petitioners have been
18 harmed in that Petitioners and other members of the public were not fully informed about
19 potential alternatives to the Phase 2A Project that could have substantially lessened or
20 eliminated significant environmental impacts of the Phase 2A Project, prior to approval
21 and/or certification of the Phase 2A Project SEIR.

22 38. Petitioners as well as members of the general public will suffer irreparable
23 harm if the relief requested herein is not granted and the Phase 2A Project design/build
24 contracts are awarded and/or construction is commenced in the absence of a full and
25 adequate SEIR, and absent compliance with all other applicable provisions of CEQA.
26
27
28

THIRD CAUSE OF ACTION

(Violation of CEQA And CEQA Guidelines –

Improper/Inaccurate Project Analysis)

39. Petitioners reallege and incorporate herein by reference the allegations of Paragraphs 1 through 38, inclusive, of this petition.

40. Respondent's action in certifying the SEIR for the Phase 2A Project constitutes a prejudicial abuse of discretion in that Respondent failed to proceed in the manner required by law and failed to support its decision by substantial evidence, including but not limited to as follows:

a. The Phase 2A Project SEIR fails to evaluate properly, and with a good faith effort at full disclosure, the Project's significant impacts on, *inter alia*, air quality, traffic, noise, hazardous materials, land use/planning, recreation and hydrology.

b. The Phase 2A Project SEIR is inconsistent with the 2007 FEIR it purports to supplement.

41. CEQA requires every lead agency to provide a good faith, reasoned analysis in response to comments received on an EIR, to address recommendations and objections in detail, and to explain why specific comments and suggestions, especially those of experts, were not accepted. The Phase 2A Project SEIR fails to respond adequately, or in many cases at all, to comments on the SEIR, including comments from Petitioners' experts, and including but not limited to comments regarding air quality, traffic, noise, hazardous materials, land use/planning, recreation, hydrology, feasibility, and reduced environmental impacts of alternatives.

42. As a result of Respondent's violations of CEQA, Petitioners have been harmed in that Petitioners and other members of the public were not fully informed about the significant environmental impacts of the Phase 2A Project prior to approval and/or certification of the Phase 2A Project SEIR.

43. Petitioners as well as members of the general public will suffer irreparable harm if the relief requested herein is not granted and the Phase 2A Project design/build

1 contracts are awarded and/or construction is commenced in the absence of a full and
2 adequate SEIR, and absent compliance with all other applicable provisions of CEQA.

3 **FOURTH CAUSE OF ACTION**

4 **(Violation of CEQA And CEQA Guidelines – *Post Hoc* Decisionmaking)**

5 44. Petitioners reallege and incorporate herein by reference the allegations of
6 Paragraphs 1 through 43, inclusive, of this petition.

7 45. Respondent's action in certifying the SEIR for the Phase 2A Project
8 constitutes a prejudicial abuse of discretion in that Respondent failed to proceed in the
9 manner required by law and failed to support its decision by substantial evidence,
10 including because the Phase 2A Project SEIR and its approval constitute an improper *post*
11 *hoc* rationalization for a decision to locate the M&O Facility in Monrovia, which decision
12 was effectively made prior to approval and/or certification of the Phase 2A Project SEIR.

13 46. As a result of Respondent's violations of CEQA, Petitioners as well as
14 members of the general public will suffer irreparable harm if the relief requested herein is
15 not granted and the Phase 2A Project design/build contracts are awarded and/or
16 construction is commenced in the absence of a full and adequate SEIR, and absent
17 compliance with all other applicable provisions of CEQA.

18 **PRAYER FOR RELIEF**

19 WHEREFORE, Petitioners pray for entry of judgment as follows:

20 1. That this Court issue a writ of mandate directing Respondent to vacate and
21 set aside its Phase 2A Project approvals, and to vacate and set aside its approval and/or
22 certification of the SEIR for the Project.

23 2. That this Court issue a writ of mandate suspending the authority of
24 Respondent, its governing board, officers, employees, agents, committees and other
25 subdivisions, to grant any contracts, authority, permits or entitlements as part of the Phase
26 2A Project until a valid and adequate Phase 2A Project SEIR is prepared, circulated, and
27 certified as complete consistent with CEQA, the CEQA Guidelines, and all other
28 applicable laws.

1 3. That this Court issue a temporary restraining order and a permanent
2 injunction enjoining Respondent, its governing board, officers, employees, agents,
3 committees and other subdivisions, and contractors and subcontractors, from undertaking
4 any activities or construction pursuant to Respondent's approval and/or certifications of
5 the Phase 2A Project SEIR as described herein, and further enjoining Respondent, its
6 governing board, officers, employees, agents, committees and other subdivisions, and
7 contractors and subcontractors, from taking any actions to change the environment,
8 including demolitions, site clearance, other site preparation, or in any other way to take or
9 acquire property in furtherance of the Project, prior to Respondent's full compliance with
10 CEQA.

11 4. That this Court award Petitioners their attorney fees, including under Code
12 of Civil Procedure Section 1021.5.

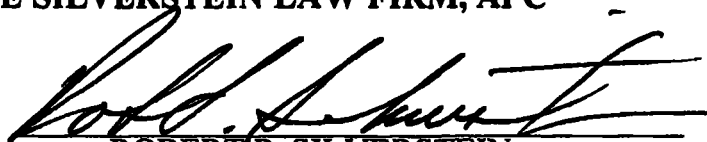
13 5. That this Court award Petitioners their costs of suit herein.

14 6. That this Court award such other and further relief as it deems just and
15 proper.

16
17
18 DATED: February 18, 2011

THE SILVERSTEIN LAW FIRM, APC

19
20 By:



ROBERT P. SILVERSTEIN

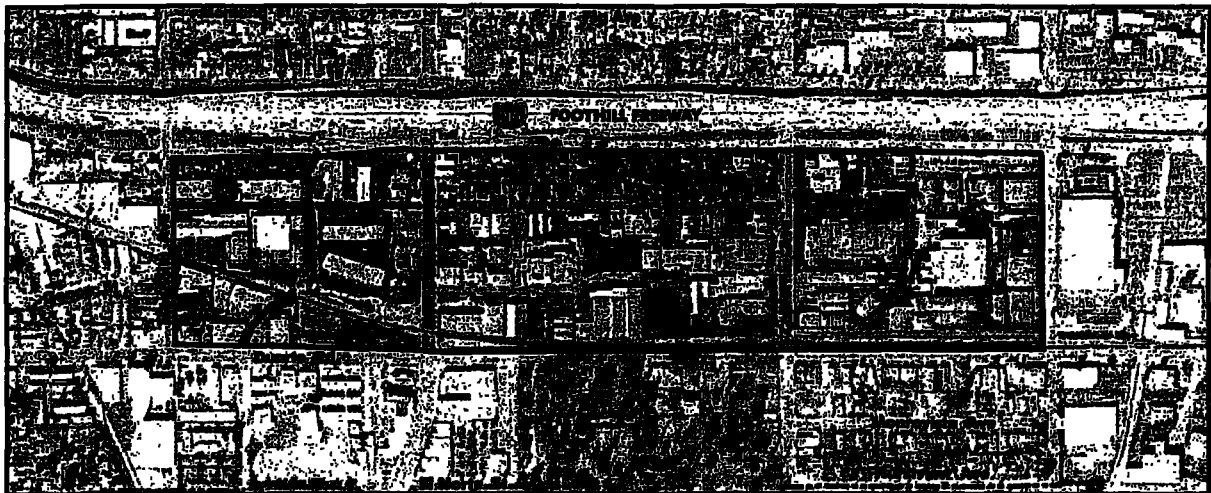
BRADLY S. TORGAN

Attorneys for Petitioners EXCALIBUR
PROPERTY HOLDINGS, LLC and GEORGE
BROKATE

AREA PD-12: Station Square Transit Village: The City's key objective in establishing the Monrovia Station Square Transit Village is to provide flexibility in land use types, location, and intensities that will allow development to respond to changes in the marketplace over time. These provisions establish land use mechanisms that will allow individual development projects to move forward consistent with goals and objectives stated above and the design guidelines presented here.

Project Area

Located south of the 210 Freeway, the proposed Station Square Transit Village boundaries are Magnolia Avenue to the west, Evergreen Avenue to the north, Shamrock Avenue to the east, and Duarte Road to the south (see Figure 12, Project Site Map). South Myrtle Avenue serves as a gateway to the Station Square Transit Village Planning Area and also connects the proposed development with Old Town Monrovia and the commercial and office parks of Huntington Drive.



BASE FEATURES

----- City Boundary

———— Station Square Transit Village



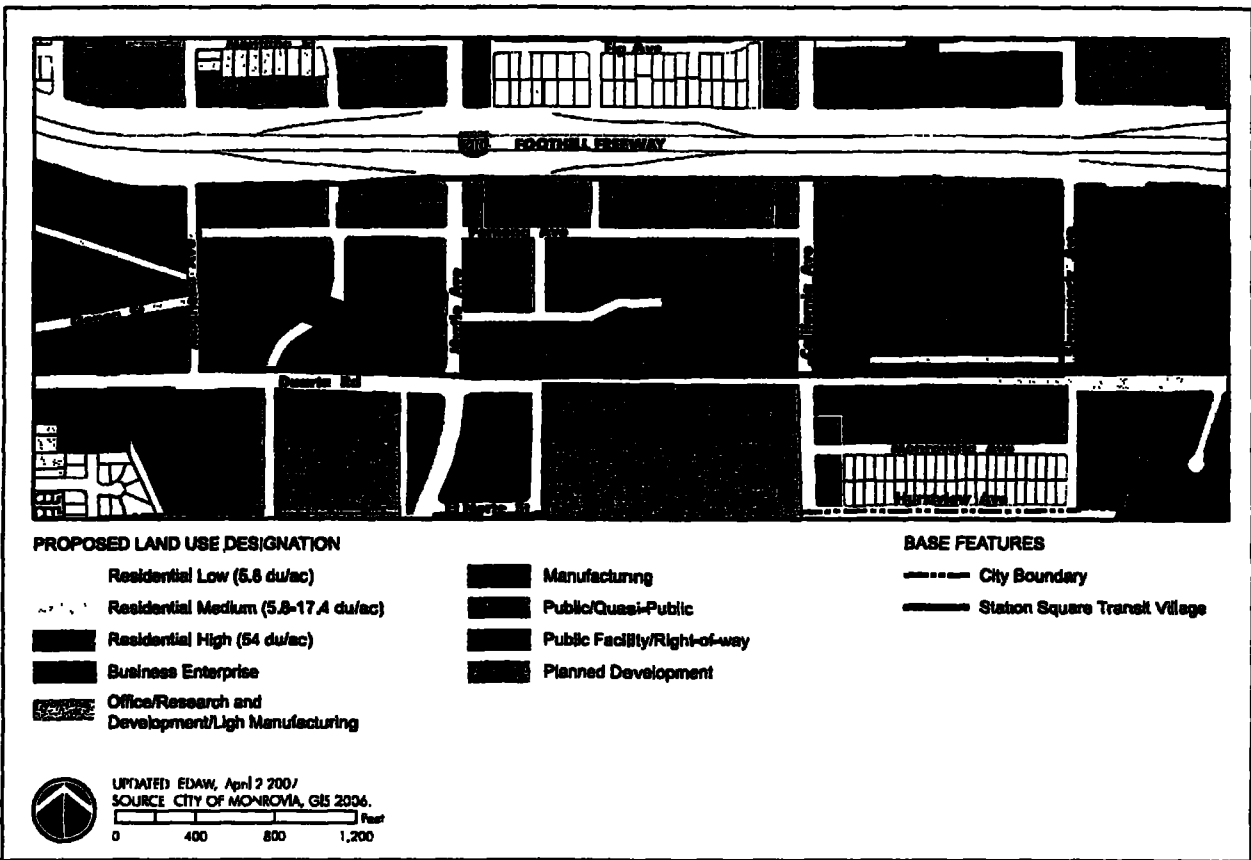
UPDATED: EDAM, April 2 2007
SOURCE: CITY OF MONROVIA, GIS 2006.
0 400 800 1,200 Feet

Figure 1: Project Site Map

Table 4 Summary of Land Uses

Land Use	Maximum/Minimum Parameters
Residential	3,600 units - maximum
Commercial	150,000 Square Feet - maximum
Office	850,000 square feet - maximum
Hospitality	250 hotel rooms - maximum
- Hotel Rooms	46,000 square feet
- Ancillary Facilities	
Open Space	4.35 acres minimum district-wide; Ratio of 3.0 acres per 1,000 new residents
Transit Station	Parking to be provided per Gold Line Agreement
Parking	Per Municipal Code or shared parking agreements





Implementation

To ensure implementation of the goals and objectives outlined in the Station Square Transit Village PD Area (PD-Station Square Transit Village), all new construction in the PD zone shall be reviewed and approved subject to the following development regulations:

Existing Development

1. Existing buildings can be occupied by Office, R&D, and light industrial uses as defined in the zoning ordinance (uses permitted by right).
2. Existing buildings can be expanded up to 25% of the existing square footage of the building if the building is conforming and the uses permitted.
3. Single-family residential homes shall be treated as permitted uses and be allowed to expand and be upgraded. Conversion of existing residences to industrial uses shall not be permitted.

Future Development

1. No new development will be approved within the Transit Village Planning Areas until a specific plan meeting the requirements of the State of California, has been adopted by the city. The Specific Plan shall allow for phased development of the planning area.
2. A Specific Plan shall be prepared and adopted for an area larger than the 3.0 acre site
3. The following development capacities within the Station Square Transit Village PD shall not be exceeded:



Residential: A minimum of 1,400 dwelling units to a maximum of 3,600 dwelling units. Residential units may be built as stand-alone product or as part of a horizontally or vertically integrated mixed-use development. Residential uses are not permitted immediately adjacent to I-210 unless approved by the Planning Commission and City Council.

Office: Up to 850,000 square feet of office space. Office development may be built as stand-alone product or as part of a horizontally or vertically integrated mixed-use development.

Retail/Dining: A maximum of 151,200 square feet of retail/dining space, with a broad range of neighborhood-serving retail and restaurant uses permitted.

Hospitality: Up to 271 combination guest rooms/units for long-term stays and 45,800 square feet of hotel facilities. Associated amenities may include a health club, recreation facilities, banquet and meeting facilities, and restaurants.

Open Space: A minimum of 4.35 acres of active park space within this portion of the City, with park space provided at a ratio of at least 3.0 acres of park space per 1,000 residents.

Transit Station: Transit station, bus transfer terminal, supporting parking facilities, a rider drop-off area, and other improvements supporting transit facilities.

Parking: A public parking structure of approximately 600 parking spaces to support the transit station and an approximate total of 8,652 parking spaces for adjoining commercial and/or residential uses, as well as public surface parking lots. Parking will be provided consistent with requirements set forth in the Monrovia Municipal Code, with shared parking arrangements encouraged to recognize the transit-oriented development.

4. New developments shall be designed with uniform standards consistent with the design guidelines outlined in the Land Use Element for the Transit Village Planning Area(e.g. architecture, hardscape, and landscape).
5. All new construction shall require a conditional use permit.



- Provide attractive street furniture and other public improvements to communicate the City's identity and pride.
- Facilitate the widening of sidewalks and landscaped setbacks by using a portion of City parkway and by increasing building setbacks.
- Create a distinctive gateway at the City's western entry point
- Provide a gateway sign to announce the entrance to the high-technology corridor east of Primrose Avenue.
- Use of public art, paved crosswalks, and landscaping to mark entries into the City.

Urban Design Guidelines - Private Realm

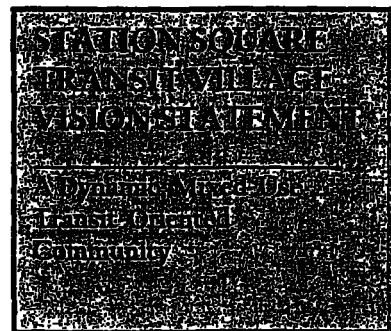
- Promote community identity and local history by encouraging context-sensitive design and development.
- Strengthen neighborhood identity with new development that is architecturally compatible with surrounding structures and that reflect local architectural characteristics.
- Require all new developments to incorporate high-quality design in terms of architectural styles, building materials, development patterns, and scale of existing buildings.
- Do not permit blank walls: require ample use of windows and doors to make building fronts "permeable".

Station Square Transit Village

Redeveloping Monrovia's older areas south of the 210 Freeway presents an opportunity to build a transit-oriented development that could serve as a model for transit development in southern California. Located south of the 210 Freeway, the proposed Transit Village boundaries are Magnolia Avenue to the west, Evergreen Avenue to the north, Shamrock Avenue to the east, and Duarte Road to the south (see Figure 8, Project Site Map).

South Myrtle Avenue serves as a gateway to the Transit Village planning area and also connects the proposed development with Old Town Monrovia and the commercial and office parks of Huntington Drive.

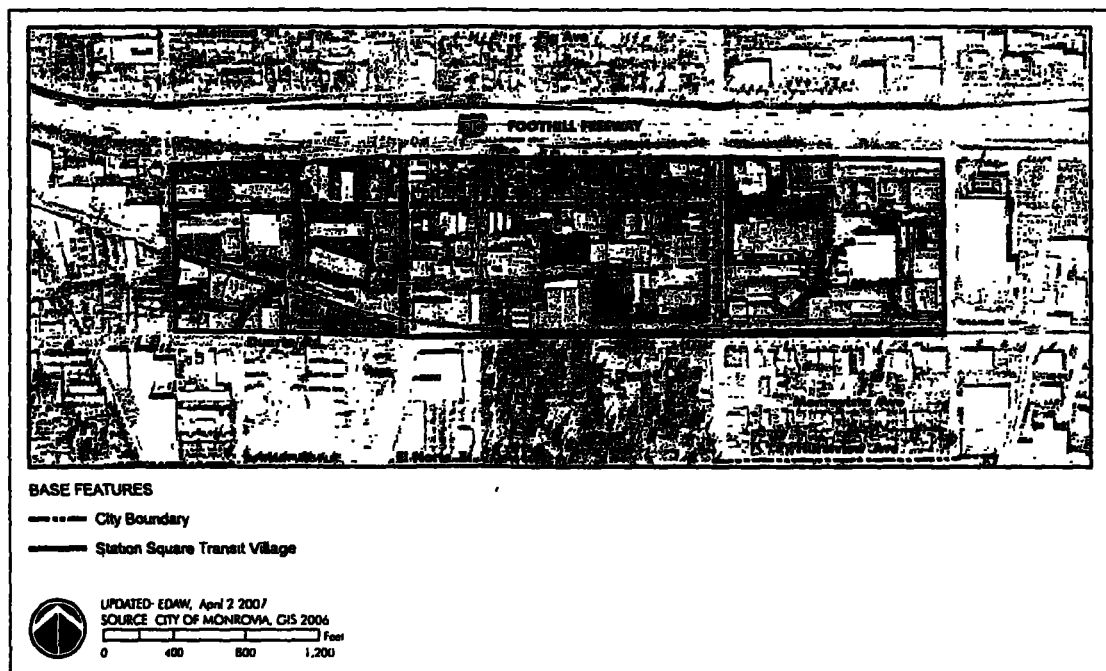
The Station Square Transit Village mixed use district will be designed to provide strong pedestrian connections, ground floor retail, open space, high density office, research and development, hospitality and a mixture of residential uses.

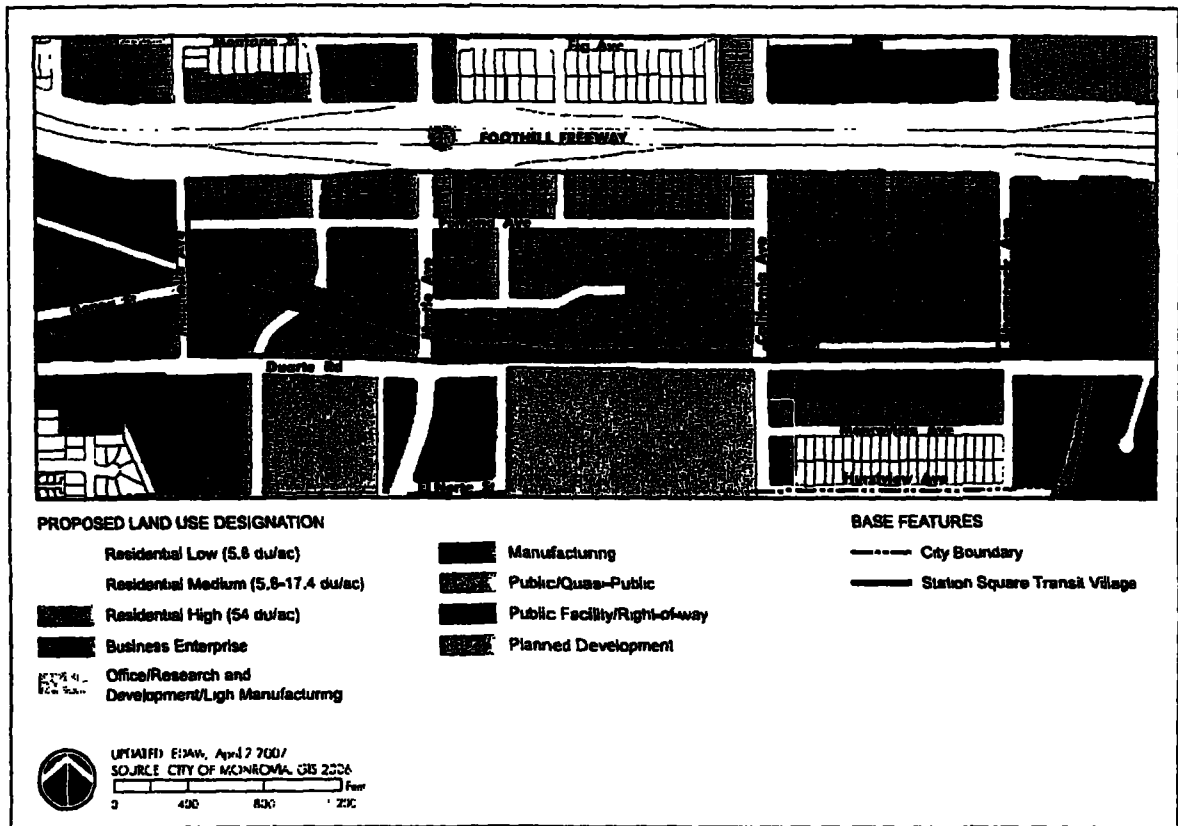


The lively mix of uses will surround the planned Metro Gold Line Foothill Extension light rail station and activate Myrtle Avenue south of the freeway. The vision for the Station Square Transit Village is to



- Provide transit-oriented development, but not transit-dependent development
- Create a comprehensive public realm plan that enhances the public right-of-way and guides the development pattern
- Ensure high-quality design for high-density, sustainable mixed use development
- Accommodate alternative modes of transportation
- Provide housing that responds to changing market demands over time and that meets the needs of all income groups
- Provide retail and office space for the growth of incubator business enterprises
- Create a high-quality outdoor shopping environment and residential amenity for residents and visitors that complement uses in Old Town Monrovia
- Position Monrovia as a competitive market for hotel demands
- Create parks and open spaces that serve as outdoor gathering space for passive and active recreation for residents and visitors
- Rebuild the 1940s Santa Fe Railroad Depot to complement the Gold Line Foothill Extension light rail station
- Provide a safe and lively pedestrian environment that complements the transit, retail and landscaping development
- Minimize the use of energy and materials to the maximum extent possible and provide an energy-efficient model of sustainable development





Land Use

Many factors drive the vision for mixed uses within the Station Square Transit Village. First and foremost, is the planned extension of the Metro Gold Line Light Rail service that currently terminates in East Pasadena. An opportunity exists for a true transit-oriented, high-density development associated with the anticipated Gold Line Extension. A renovated Santa Fe depot will serve as the centerpiece of a transit center surrounded by a mix of retail, office, residential, hotel, and open space uses. Upon arrival, transit users can ride the local trolley to Old Town located only one mile north of the Station Square Transit Village or use a Foothill Transit Bus Terminal on Duarte Road and Myrtle Avenue.

This multi-modal transit center will have a parking structure wrapped with commercial uses, and the center will be linked to a pedestrian enhanced right-of-ways, public open spaces, hotel amenities, as well as proximity to nearby office and residential development. The high demand for commercial and office development in the West San Gabriel Valley is another factor that will contribute to the success of the mixed-use district. The San Gabriel Valley region has experienced low vacancy rates in commercial and office spaces due to job growth, lack of space appropriate for development, available amenities, and safe working environments compared to surrounding communities.

The site's proximity to the 210 Freeway provides visibility and accessibility, a condition highly suitable for incubator office and commercial space businesses in the high-tech and creative industries space that is extremely limited in the San Gabriel Valley. Finally, the increase in regional population and lack of available land for new housing provides a residential market for entry-level homeowners, renters and commuters. The Land Use Plan (see Figure 9) guides development, maintenance, and improvement of land and properties within the planning area. The Land Use Plan establishes the Station Square Transit Village Planned Development area (PD-Station Square Transit Village) as the land use designation for the Station Square Transit Village. This land use designation is purposely designed to allow maximum flexibility in the intensity and location of development as market conditions shift over



time.

All uses and buildings proposed at the time of development must be designed in conformance with the design guidelines described in the urban design guidelines section. The PD-Station Square Transit Village allows the following land uses and development approaches:

Residential

Rising housing prices and limited land for development have created a tight, expensive residential market in southern California. In Monrovia, lack of affordable and diverse housing leaves limited choices for the senior population and young adults in particular. The Station Square Transit Village presents a unique opportunity for the City to diversify the density range, ownership and rental type, and affordability of residential units available in the San Gabriel Valley region. The Station Square Transit Village establishes a range of housing types, with a cap of 3,600 units within the PD area. Units can be built as stand-alone product or as part of a horizontally or vertically integrated mixed-use development above retail uses.

The area west of Myrtle Avenue, surrounding the proposed Metro Gold Line light rail station and the bus terminal, will consist of high-density development that supports the transit-oriented nature of this sub-district. Residential development east of Myrtle Avenue will vary in densities that are most appropriate to the market at the time of development. To the extent possible, energy-efficient designs will be incorporated into all residential development, and residential uses will be discouraged immediately adjacent to the 210 Freeway.

Office

The high-tech corridor along West Huntington Drive is the result of the City's efforts to attract spin-off industries from local institutions such as the California Institute of Technology, the Jet Propulsion Laboratory, and the City of Hope. In the Station Square Transit Village, the City will attract creative incubator businesses, which seek attractive and innovative office spaces. Land use policy allows up to 850,000 square feet of office development.

Retail/Dining

To meet the daily needs of those living and/or working in the Station Square Transit Village, a maximum of 152,000 square feet of neighborhood-serving retail uses, including restaurants, high-end grocery stores, and service stores will be provided. These retail uses will be concentrated in a pedestrian-only retail street or along other streets to form an activity node, and will be located within walking distance to transit.

Hospitality

To expand the City's inventory of hotel amenities, the Station Square Transit Village can accommodate up to 250 hotel rooms and up to 46,000 square feet of associated recreation facilities, health club, banquet and meeting facilities, and restaurants. In addition, any hotel may include owned or rental residential units with full access to hotel amenities. Hotels will be located within walking distance to transit, consist of distinct architectural features, and serve as a landmark.

Open Space

The majority of community parks in Monrovia are concentrated north of the 210 Freeway, leaving southern parts of the City with limited space for recreation. To meet recreation and park needs of current and future residents, the Station Square Transit Village will include a minimum of 4.35 acres of active and passive park space and public plazas at a ratio of at least 3.0 acres of public space per 1,000 residents. These open spaces will consist of at least three distinct areas surrounded by residential or mixed-use development. One such space will be provided in proximity to the proposed transit station.



Transit Station

In anticipation of the Gold Line light rail extension and the Foothill Transit bus terminal, the Station Square Transit Village will include supporting parking facilities, a rider drop-off area, and other improvements supporting transit facilities. The Santa Fe depot will be renovated as a central element of the development west of Myrtle Avenue. The transit station will provide easy access to surrounding retail and open space areas

Parking

Adequate off-street parking is critical to accommodate residents, employees, and visitors of the Station Square Transit Village, and to prevent an overflow of parking into adjacent neighborhoods. While parking is an important aspect of development, it is also imperative to site and design parking facilities in a creative manner that does not dominate the streetscape. To maintain street activity and visual interest, parking structures will be either wrapped with retail or decorated with architectural and/or landscape treatments. Parking will be provided consistent with requirements set forth in the Monrovia Municipal Code or per parking needs assessments, with shared parking arrangements encouraged in recognition of on-site rail and bus services

Table 3 Summary of Land Uses

Land Use	Maximum/Minimum Parameters
Residential	3,600 units - maximum
Commercial	150,000 Square Feet - maximum
Office	850,000 square feet - maximum
Hospitality	200 hotel rooms – maximum
- Hotel Rooms	46,000 square feet
- Ancillary Facilities	
Open Space	4.35 acres minimum district-wide; Ratio of 3.0 acres per 1,000 new residents
Transit Station	Parking to be provided per Gold Line Agreement
Parking	Per Municipal Code or shared parking agreements

Table 2 Summary of Transit Village Land Uses

Urban Design

Urban design addresses the visual quality of future development within the Station Square Transit Village planning area. The goal of the design guidelines is: 1) to provide an overall vision for development within the area; and 2) to establish a flexible design framework and criteria that will guide designers and developers, and which the City of Monrovia will use to evaluate development proposals within the Station Square Transit Village. The Urban Design Guidelines will provide guidance regarding the visual appearance, character, quality of life, sense of place, and pedestrian connections within the public and private realms. The Monrovia Station Square Transit Village Urban Design Plan (see Figure 9) indicates urban design features that correspond to the design guidelines.



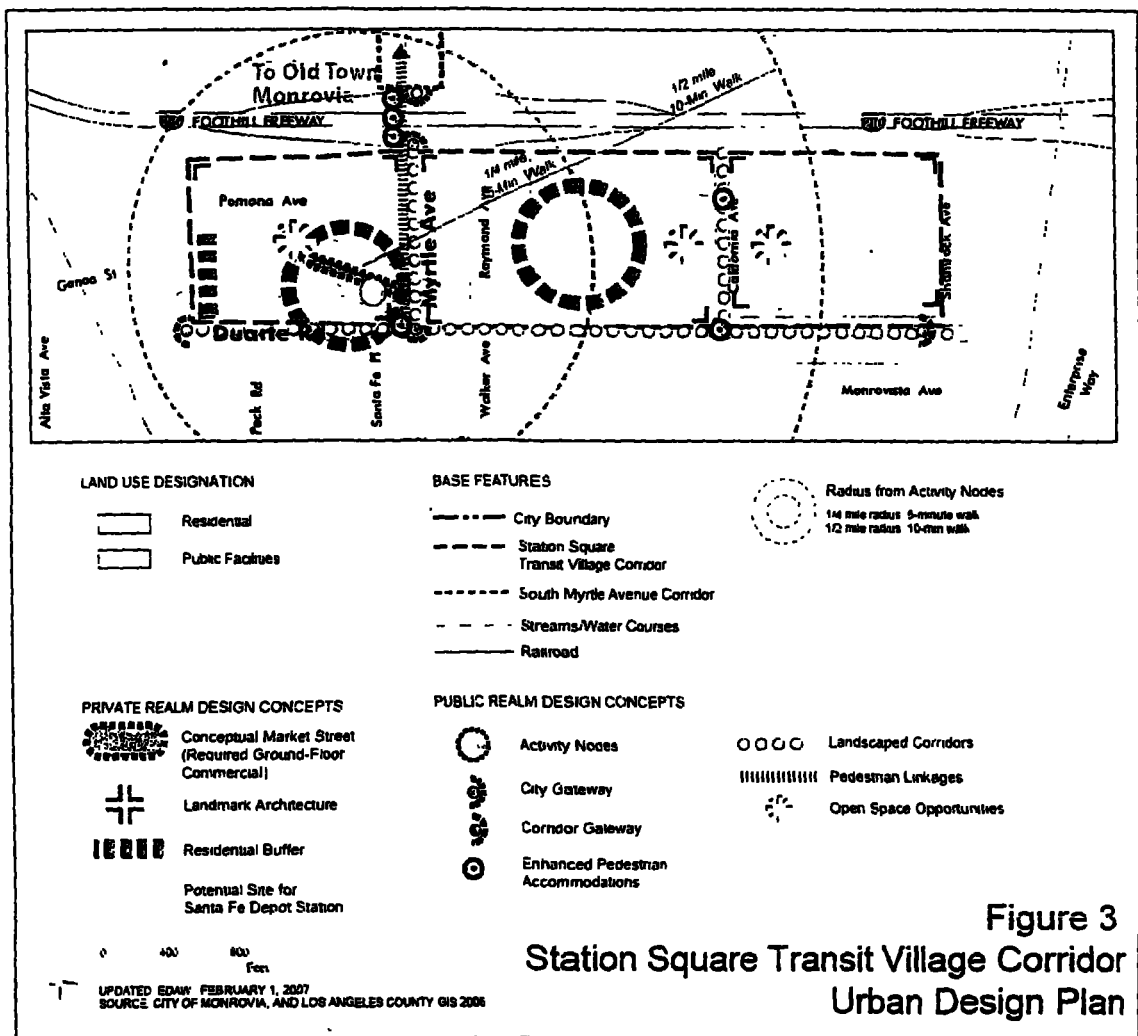


Figure 3
Station Square Transit Village Corridor
Urban Design Plan

Public Realm

The Public Realm Urban Design Guidelines establish direction for improvements in the public right-of-way. The following Station Square Transit Village perspective illustrates urban design elements in the public realm. The City can control and enhance the following elements within the public realms:

